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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

SHOSHONE TRIBE OF THE  
WINDRIVER RESERVATION,  
Plaintiff,

vs.

RYAN ZINKE, Secretary of the  
Interior

UNITED STATES DEPARTMENT  
OF THE INTERIOR

CV-17-45-BLGS-BMM

**JOINT STATUS REPORT**

UNITED STATES BUREAU OF  
INDIAN AFFAIRS

MICHAEL BLACK, Acting Assistant  
Secretary for Indian Affairs

DARRYL LaCOUNTE, Rocky  
Mountain Regional Office Director for  
Bureau of Indian Affairs, Billings,  
Montana

LOUISE REYES, Rocky Mountain  
Regional Office Indian Services Officer  
for Bureau of Indian Affairs

NORMA GOURNEAU, Bureau of  
Indian Affairs  
Superintendent Wind River Agency

RAY NATION, Bureau of Indian  
Affairs Deputy Superintendent Wind  
River Agency (retired).  
Defendants.

Pursuant to this Court’s Order, ECF No. 45, the parties submit this Joint Status Report.

1. Plaintiff Shoshone Tribe of the Wind River Reservation (“EST”) filed the present action against the U.S. Department of the Interior (“Interior”) on April 12, 2017. *See* Compl. (Apr. 12, 2017), ECF No. 1. The EST challenges, *inter alia*, the Bureau of Indian Affairs’ declinations of several Indian Self-Determination Act (“ISDA”), 25 U.S.C. § 5301 *et seq.*, contract proposals that it had submitted to the Bureau of Indian Affairs in September 2016. *Id.* On that same day, the EST

separately moved to intervene in two related, consolidated cases that were also pending before this Court: *Northern Arapaho Tribe* (“NAT”) *v. LaCounte, et al.*, No. 1:16-cv-11-BMM (D. Mont.), *appeal of prelim. injunction pending*, No. 16-36049 (9th Cir.); and *NAT v. Interior, et al.*, No. 1:16-cv-60-BMM (D. Mont.), *appeal pending*, No. 17-35662 (9th Cir.). *See* Mot. by EST to Intervene, *NAT v. LaCounte*, No. 1:16-cv-11-BMM (D. Mont. Apr. 12, 2017), ECF No 157. All three cases involve disputes concerning the operation of certain BIA programs on the Wind River Reservation that are operated for the benefit of both Tribes.

2. As previously reported, the NAT and the EST have formed a new tribal organization, known as the Wind River Inter-Tribal Council, to jointly oversee certain activities on the Reservation. The BIA has recently awarded that organization new ISDA contracts to jointly operate a new Tribal Court and a Fish and Game program. *See* Mot. to Stay, ECF No. 44.

3. Since filing their motion to stay, counsel for the NAT and the BIA have continued to pursue mediation before the Ninth Circuit. Both the Northern Arapahoe Business Council and Shoshone Business Council had elections in the Fall of 2018 and several of the positions on the Shoshone Business Council changed, including the Chairman. Since those elections, the Northern Arapaho Business Council Chairman reached out to the Shoshone Business Council to

renew discussion of settlement that would include coordinated dismissals of all three cases.

4. The parties to this case believe that continued discussion would be productive, and thus that a stay of proceedings remains warranted.

5. Pursuant to this Court's Order, ECF No. 45, the next joint status report is due on Thursday, May 23<sup>rd</sup>, 2019.

Dated: February 21, 2019

Respectfully Submitted,

s/Majel M. Russell  
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s/Georgette H. Boggio  
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**CERTIFICATE OF SERVICE**

I certify that I electronically filed the foregoing filing on February 21, 2019. Notice of this filing will be sent by email to all parties of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

S/Majel M. Russell  
MAJEL M. RUSSELL